

**STATE OF WISCONSIN
DEPARTMENT OF COMMERCE**

**IN THE MATTER OF: The claim for
reimbursement under the PECFA
Program by**

MADISON HEARING OFFICE
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First National Bank of Hartford
P.O. Box 106
Milwaukee, WI 53202

Appellant,

VS.

PECFA CLAIM # 53027-1408-16

Secretary, Wisconsin Department of
Commerce

Hearing Number: 94-43

Respondent

FINAL DECISION

NOTICE OF RIGHTS

Attached are the Findings of Fact, Conclusions of Law, and Order in the above-stated matter. This is a FINAL DECISION.

Any Party aggrieved by the decision must file a petition for Judicial review no more than 30 days after the date of this hearing decision. The petition for Judicial review must be served on the Department of Commerce, Office of the Secretary, 123 W. Washington Avenue, 9TH floor, P.O. Box 7970, Madison, WI 53707-7970.

STATE HEARING EXAMINER:
Ronald I. Weisbrod

DATED AND MAILED:
June 20, 1997

MAILED TO:

Appellant Agent or Attorney

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Department of Commerce

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FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Department of Industry, Labor and Human Relations, Bureau of Petroleum Inspection and Fire Protection (department) issued a decision, dated June 15, 1994, determining that certain costs incurred by the appellant totalling \$17,251.20, were not eligible for reimbursement by the Petroleum Environmental Cleanup Fund. The appellant filed an appeal on July 14, 1994. The department issued a revised decision on July 21, 1994, determining that costs totalling \$16,883.85, were not eligible for PECFA reimbursement. The appellant appealed that revised decision on August 19, 1994.

On February 8, 1995, a preheating conference was held before Ronald I. Weisbrod, Administrative Law Judge, acting as the Hearing Examiner, pursuant to section 227.44 of the Wisconsin Statutes. Thereafter, the matter was scheduled for a hearing on November 1, 1995. That hearing was postponed at the request of the appellant.

On August 21, 1996, the Secretary of the Department of Commerce delegated the authority, to issue a final decision to the administrative law judge when a contested case is not held due to a default.

On December 2, 1996, the Department of Commerce, as successor agency to the Department of Industry, Labor and Human Relations for the PECFA program, moved to dismiss the appellant's appeal because of the appellant's failure to proceed with the action. The appellant has not requested that the department's motion be denied or responded in any fashion.

DECISION

The appellant's failure to proceed to a hearing in the above matter constitutes a default. Accordingly, the appellant's request for a hearing in the matter of PECFA claim #53027-1408-16 is dismissed. The department's revised decision, issued on July 21, 1994, shall remain in effect.

HEARING EXAMINER

Ronald I. Weisbrod
Administrative Law Judge